

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TOWANKA KING,

Plaintiff,

v.

Case No. 06-C-1181

DRUG ENFORCEMENT AGENCY,

Defendant.

DECISION AND ORDER

Plaintiff Towanka King filed this case seeking the return of some \$2100 seized pursuant to an unlawful search of plaintiff's vehicle. As noted in the screening order, plaintiff's exclusive remedy is through 18 U.S.C. § 983(e), which provides:

- (1) Any person entitled to written notice in any nonjudicial civil forfeiture proceeding under a civil forfeiture statute who does not receive such notice may file a motion to set aside a declaration of forfeiture with respect to that person's interest in the property, which motion shall be granted if-
 - (A) the Government knew, or reasonably should have known, of the moving party's interest and failed to take reasonable steps to provide such party with notice; and
 - (B) the moving party did not know or have reason to know of the seizure within sufficient time to file a timely claim.

18 U.S.C. § 983(e)(1).

The defendant has responded to the motion, presenting substantial evidence that due process was met in the forfeiture of the plaintiff's funds. In particular, the evidence shows that the plaintiff was notified of the forfeiture proceedings in 2003. Notice was sent to the jail where plaintiff resided at the time and that notice was accepted. (Hieronymus Decl., Ex. 4.) In short, plaintiff has not

provided any evidence that he did not receive notice. "Once forfeiture has occurred . . . the sole remedy is that provided under 18 U.S.C. § 983(e) to challenge whether the DEA followed the proper procedural safeguards in forfeiting the property; that is whether it provided adequate notice and an opportunity to be heard." *Mesa Valderrama v. United States*, 417 F.3d 1189, 1196 (11th Cir. 2005). Because all indications suggest that plaintiff received proper notice, the plaintiff's motion is **DENIED** and the case is **DISMISSED**.

SO ORDERED this 21st day of March, 2007.

s/ William C. Griesbach

William C. Griesbach

United States District Judge